

CITY OF NEWPORT

ORDINANCE NO. 2063

AN ORDINANCE DECLARING A MORATORIUM ON
MEDICAL MARIJUANA FACILITIES
AND DECLARING AN EMERGENCY

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, HB3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

WHEREAS, the City Council of the City of Newport believes it is in the best interests of the health, safety, and welfare of the citizens of Newport, to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Newport;

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Moratorium Declared. The City of Newport hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Newport. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law, including the provisions of Municipal Code Chapter 4.05 relating to business licenses.

Section 2. Duration of Moratorium. The moratorium imposed by this ordinance shall be effective until May 1, 2015 unless rescinded sooner.

Section 3. Administrative Procedures. The City Manager is directed to implement reasonable policies, procedures, administrative rules, or regulations to govern the administration of this Ordinance and as set forth in Municipal Code 4.05.045 concerning business licenses. The City Manager is authorized to determine the validity of all medical marijuana dispensary applications, and licenses, including, but not limited to, those applications and licenses that predate the effective date of SB1531. Actions taken by the City Manager pursuant to Municipal Code 4.05.045 in connection with medical marijuana

dispensary business licenses, prior to the effective date of this Ordinance, are hereby ratified.

Section 4. Enforcement. The City Manager and Police Chief of the City of Newport are charged with enforcement of the moratorium.

Section 5. Remedies Not Exclusive. The remedies available under SB1531 for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the City of Newport to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 7. Emergency. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect immediately upon passage.

Adopted by the City Council on April 7, 2014.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:
Via e-mail on March 23, 2014

Robert Connell, City Attorney